

ORIGINAL

From: Mr. Kevin Williams,  
aka-Kirby Stewart. No#.EF-1167  
c/o.SCI-Forest,P.O.Box 945  
Marienville, Pa 16239

**CV 17-5138**

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

KEVIN WILLIAMS  
Plaintiff

**MATSUMOTO, J.  
SCANLON, M.J.**

V.

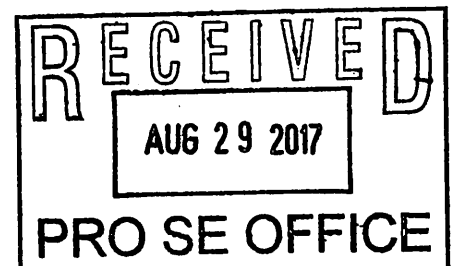
Gov. George Pataki, in his former official capacity, for Injunctive Relief  
Martin Schneier, in his official capacity, for Injunctive Relief  
Gov. Thomas J. Ridge, in his former official capacity, for Injunctive Relief  
Joseph C. Madenspacher, in his former individual capacity, for Relief  
Nancy Jimenez, in her former official capacity, for Monetary Relief  
Defendant(s)

**42 U. S. C. S. §1985 COMPLAINT**

This is a 42 U. S. C. S. §1985 Conspiracy Complaint, between Joseph C. Madenspacher, Martin Schneier, being filed in addition to a 42 U. S. C. §1983, between all other Defendant(s). For the lack of Official Responsibilities and Injunctive and Monetary Relief, that is the result of Unlawful Extradition, resulting to Illegal Prosecution and Imprisonment; Due to lack of conformation as to the credentials of requesting jurisdiction supporting officials elected authorization.

**I. PARTIES**

Kevin Williams, Pro Se Plaintiff, was giving the name "Kirby Stewart," by the Lancaster County, Pennsylvania, Police Officer Thomas A. Kiss; the Plaintiff Williams, is housed at State Correctional Institutional, within the Pennsylvania Department of Corrections. With a address of- SCI-Forest, P.O. Box 945, Marienville, Pa 16239, with a state No#.EF-1167:



Martin Schnesler, is the judge who presided over the Extradition Hearing. With an address of- Brooklyn Supreme Court. 360 Adams Street. Brooklyn, New York 11201, Port-41:

Gov. George Pataki, in his former official capacity, was the governor of the Great State of New York, with a address of- Governor's Office of the State of New York. Executive Chamber. Albany, New York 12224:

Gov. Thomas J. Ridge, in his former official capacity, was the governor of the Commonwealth State of Pennsylvania, with a address of- Governor's Office of the Commonwealth State of Pennsylvania, 333 Market Street. Harrisburg, Pa 17126-0333:

Joseph C. Madenspacher, in his former individual capacity, was the District Attorney, of Lancaster County, Pennsylvania, with a address of- District Attorney Office, of Lancaster County, 50 North Duke Street. Lancaster County, Pennsylvania 17608-3480, P.O.Box 83480:

Nancy Jimenez, Senior Extradition Specialist, in her former official capacity, at the Kings County District Attorney's Office, with a address of- Kings County District Attorney's Office, Renaissance Plaza, 350 Jay Street. Brooklyn, New York 11201-2908, telephone 6718-250-2453:

## II. JURISDICTION

To establish violation of §1985(3), Plaintiff must allege and subsequently prove: (1) Conspiracy; (2) for the purpose of depriving either directly or indirectly any person or class of persons of equal protection of laws, or or equal privileges and immunities under laws; and (3) act in furtherance of Conspiracy; (4) whereby person is either injured in his personal property, or deprived of right, or privilege of citizens of the United States.

### III. SUMMARY OF EVENTS

1. Paragraph(s) based on Brooklyn, New York, March 11th, 1999, date of arrest/warrant notification.

2. Plaintiff was Extradited per approval of Martin Schneier, Judge. On July 1st, 1999;

3. Plaintiff's Miranda Rights were never read in New York, or upon arrival in Pennsylvania on July 1st, 1999;

4. According to all IAD's requesting temporary custody for prosecution by Joseph C. Madenspacher, as the Commonwealth's prosecuting agent, it was later discovered that said prosecutor was not a sworn in office elected agent of the Commonwealth; at the time of Extradition request.

5. Nancy Jimenez, as the Senior Extradition Specialist, for the Kings County District Attorney Office, as the go-between extradition proceedings had knowledge of the Pennsylvania District Attorney's request not being Statutorily authentic, but nonetheless failed to inform her superior(s) for interaction.

6. Judge Schneier, signed off on Extradition papers under the assumption that the IAD forms were signed by elected officials who were sworn into office. Without investigating the credibility of their credentials.

7. Gov. Ridge and Gov. Pataki, failure to train and supervise their underlings. And themselves on Extradition matters, extradition would be improper (1) he did not commit a crime in Pennsylvania; (2) Pennsylvania lacked jurisdiction over him; (4) the application for requisition did not allege that Plaintiff committed acts in Pennsylvania that constituted a crime in New York; (5) Lancaster County prosecutor who prepared the application for requisition erroneously averred in the application that Plaintiff was physically present in Pennsylvania when the alleged offense occurred.

IV. COMPLAINT #1

#A. On 07/01/99, Defendant Martin Schneier, authorized my extradition based on the assumption that the receiving state unofficial District Attorney's request was authentic without conformation that the Defendant Joseph C. Madenspacher, was indeed an unofficial party requesting custody for prosecuting purposes, on behalf of Lawrence F. Stengel, Judge.

#B. Gov. George Pataki, authorized the Defendant Martin Schneier, by operation of law to allow the Plaintiff to be Extradited, without overseeing Martin Schneier, to ensure that the Plaintiff was being released to a sworn in elected governmental agent of the Commonwealth of Pennsylvania for prosecution.

V. COMPLAINT #2

#C. On 04/09/99, the Defendant Joseph C. Madenspacher, went and applied for a "Application for Requisition," as a unsworn into office District Attorney. Forged his signature and falsified testimonies, in the name of the Commonwealth of Pennsylvania, to obtain custody of the Plaintiff under false pretenses to prosecute the Plaintiff for an alleged offense that the prosecuting attorney knew that the Plaintiff did not commit, and Defendant Madenspacher, did not have the authority to proceed with legal, and morally.

#D. Gov. Thomas J. Ridge, issued his warrant believing that he was obligated to do so, when in fact he had discretion under 42 Pa. C.S. §9127, to deny extradition. In the case at bar, the application for requisition and the accompanying certification both indicated that the Plaintiff committed criminal acts in Pennsylvania and subsequently fled to New York. Hence, the Gov. Ridge, of Pennsylvania did not invoke section 42 Pa. C.S. §9127; rather, Gov. Ridge, sought to extradite Plaintiff pursuant to 42 Pa. C.S. §9123. Unlike section 42 Pa. C.S. §9127, section 42 Pa. C.S. §9123, provides that "it is the Duty of the governor with respect to fugitive from justice. "

VI. COMPLAINT #3

Nancy Jimenez, is a Senior Extradition Specialist, and Know a "person cannot be a fugitive from a state where he was not physically present with the time covered by the crime charged. Furthermore, before the governor of the demanding state could "legally" issue a requisition upon the governor of the asylum state, it is necessary that proof of the Indictment be submitted to the governor of the demanding state. Also, the Paperwork must be Inorder, before an extradition can legally happen.

GE. The Criminal Extradition Act, that was used under 42 Pa. C.S. §9123, is only the Duty of the governor with respect to fugitives from justice. 42 Pa. C.S. §9127, Extradition of persons not present in demanding state at time of commission of crime.

VII. FACTS OF THE CASE

GF. Judge Schneler, allowed the Defendant(s) to postpone the extradition hearing from 03/11/99 until 07/01/99, so on July 1st, 1999, the Plaintiff was taking to Kings County Supreme Court, where Judge Schneler, presided over the extradition hearing. At said extradition hearing Det. Thomas A. Klee, produced an extradition warrant signed by Gov. Thomas J. Ridge, dated 5/5/99, See-Governor's Requisition, said warrant was drafted by Joseph C. Madenpacher.

(a). That said person stands charged as appears by annexed Certified copy of (check appropriate line(s) and supply the necessary information).

X Complaint.

X Affidavit of Probable Cause.

X Warrant.

   Criminal Information.

   Indictment.

With the crime(s) of Criminal Homicide.

Committed in the County of Lancaster, Commonwealth of Pennsylvania, on or about the 18th, day of January 1999.

(e). That any delay which may have occurred in the prosecution of said offense or in the application for requisition was unavoidable for the following reason(s): Defendant Fled Jurisdiction;

#G. During the extradition hearing, the judge was motioning Attorney Rodney Powis, to "Object" to the Plaintiff's attorney's questioning. Judge Schneier's conduct is questionable; because Judge Schneier, said he's only going into the first two pages of the extradition warrant. The governor's assistant signed the application for requisition, and the Gov. Ridge, did not investigate if the application for requisition was in order.

#H. Judge Schneier, states "the Court is a Court of justice and the Court wants to make sure that justice is done and, therefore, the Court will rule or make on its own proper proceedings. The Court is limiting it so we know exactly what we're doing."

#I. The judge, goes further to state "And then the governor of New York, likewise, honored those papers and signed the various documents and the Court is not going to go beyond it over the very strenuous objection of defense counsel."

#J. Mr. Powis, the people Reply on the governor's warrant of the Commonwealth of Pennsylvania, and the State of New York, Powis, goes further to state that the Plaintiff cleared up any issue of identity, by taking the stand in his own defense.

#K. Powis, states Kevin Williams, is the individual named in both governor's warrants;

#L. Schneier Judge, determines that the extradition documents on their face are in order. The Court determines that the person before the Court is the person charged with the crime in the demanding state. Next before the Court, is a fugitive- according to Gov. Pataki, the person is a fugitive .

The Court, also finds the Defendant not credible, as a matter of law; therefore, the Court Orders the warrant -- Orders the Defendant be extradited back to Pennsylvania- forthwith.

#### VIII. COMPLAINT #4

#4. The Defendant(s) the Commonwealth of Pennsylvania, charged the Plaintiff with a general charge of murder under 18 Pa. C.S. §2501; the Defendant(s) never formally Arraigned the Plaintiff. The Defendant(s) found the Plaintiff guilty of First Degree Murder- under 18 Pa. C.S. §2502a, after filing over a dozen appeals, the so-called appellant court's sides with the lower courts. During the appeals process- the Plaintiff has discovered that the Defendant(s) charged the Plaintiff with first degree<sup>o</sup> murder- without even filing for a "Notice of Aggravating Circumstances," the only <sup>way</sup> the Commonwealth of Pennsylvania can sentence a person to Death or Life Imprisonment, is in a capital case. D.A. Madenspacher, never filed a "Notice of Aggravating Circumstances" this notice has to be filed with the Attorney General of the State of Pennsylvania, D. Michael Fisher, but the Plaintiff is incarcerated on a defective fugitive warrant, and a defective governor's warrant, and a defective sentence, and still cannot get no relief from any State Court, Appellant Court, or Federal Court.

#5. The Defendant(s) actions deprived the Plaintiff of §9131 Rights of Accused Person, which is to be able to test the legality of his arrest. Under the Agreement on Detainer's, §9101, Article-IV(c), the Defendant(s) were suppose to commence a trial of the crimes charged within a 120-days, the Defendant(s) did not commence trial until 365-days later. A violation of the rules.

#6. Governor may recall warrant or issue another: The governor may recall his warrant of arrest or may issue another warrant whenever he deems proper.

8P. Under §9142, the governor can recall warrant or issue another, and after receiving notice from the governor's office of the State of New York, stating "that there is no paperwork with "Gov. George Pataki's signature," see-Plaintiff's [Ex. #1,]. So the Plaintiff wrote to Judge Schneider, asking for his help in this matter, being that he was the one who did not find the Plaintiff credible; see-Plaintiff's [Ex. #2,]. And the Plaintiff wrote to "Gov. Andrew Cuomo, requesting him to Rescind his warrant, see-Plaintiff's [Ex. #3,]." Also, see-Extradition Requisition [Ex. #4,]. Where the Defendant(s) suppressed the evidence of the case. By stating that the Plaintiff fled, it was set in stone that the Plaintiff was a fugitive, when the Plaintiff was never here when the crime happened.

8Q. In Pennsylvania Superior Court, "Cmuth v. Livengood, 901 A.2d 556 (Pa. Super. 2006)."

GOVERNOR'S EXTRADITION WARRANT WAS NOT ISSUED IN ACCORDANCE WITH UNIFORM CRIMINAL EXTRADITION ACT, AND THUS, WARRANT WAS INVALID AND DEFENDANT WAS ENTITLED TO HABEAS CORPUS RELIEF; ALTHOUGH CHARGE OF STALKING WAS BASED ON DEFENDANT'S CONDUCT IN PLACING TELEPHONE CALLS FROM PENNSYLVANIA INTO WEST VIRGINIA, APPLICATION FOR REQUISITION DRAFTED BY WEST VIRGINIA PROSECUTOR INCORRECTLY PROVIDED THAT DEFENDANT WAS FUGITIVE FROM JUSTICE OF WEST VIRGINIA AND HAD TAKEN REFUSE IN PENNSYLVANIA, AND GOVERNOR OF PENNSYLVANIA ISSUED EXTRADITION WARRANT UNDER MISTAKING BELIEF THAT HE HAD NONDISCRETIONARY DUTY TO DELIVER DEFENDANT TO WEST VIRGINIA BECAUSE DEFENDANT WAS FUGITIVE FROM THE STATE. 42 Pa. C.S.A. §§9123, and §9721-Sentencing Generally: (4) Total Confinement, without any Statutory Authorization to confine the Plaintiff; the Defendant(s) Kidnapped the Plaintiff by duping Gov. Pataki, and Judge Schneider, into believing the Plaintiff fled, from where the Plaintiff never was at. Under 42 Pa. C.S. §9720.2, Trafficking in persons: Violating 18 Pa. C.S. §3002, (relating to trafficking of persons). Violating 18 Pa. C.S. §2901,



(related to kidnapping);

#R. Gov. Thomas J. Ridge's, failure to train and supervise the attorney general, and the attorney general's failure to train and supervise the district attorney of Lancaster County, which lead the district attorney to participate in Conspiracy. By the district attorney going into a court of law, stating under oath, that the Plaintiff committed the crime of criminal homicide; and fled the Commonwealth State of Pennsylvania, to take refuge in the State of New York, was a blatant lie. And "D.A. Madenspacher," knew it to be a false state on its face.

#S. Gov. George Pataki's, failure to train and supervise the attorney general, and the attorney general's failure to train and supervise the Kings County district attorney's office extradition section about "defective warrants," and/or to watch for paperwork that is not in proper order. Nancy Jimenez, knew as a specialist that the paperwork was not in order, because there was no Criminal Information, or Indictment; making the the "Application for Requisition" ambiguous- and Nancy Jimenez, was suppose to also call the governor's office of Pennsylvania, because the governor did not sign the "Application for Requisition" an [A]ssistant, to the governor literally signed the paperwork. Ms. Jimenez, is a specialist and supposed to be more skilled in her titled position as the "extradition specialist" in her office, Ms. Jimenez's action exhibited "Gross Negligence" which makes her liable for the §1983, portion of this §1985 Complaint.

#### IX. A PRAYER FOR RELIEF

1. Compel the governor of the Commonwealth State of Pennsylvania, that the Application for Requisition was issued illegally, and has to be Rescind.

2. Compel the governor of the State of New York, that the Interstate Agreement on Detainer's was falsely issued as has to be Rescind.

3. Dismiss the extradition with prejudice and Dismiss the conviction

with extreme prejudice, because the Plaintiff did not commit the crime of Criminal Homicide, within the Commonwealth State of Pennsylvania. Ab Initio, D.A. Madenepacher, entered into this matter with unclean hands. By fabricating an application for requisition, and he furthered the conspiracy by lying to the governor and/or assistant.

4. Compel Judge Schneier, to rescind his Order, to extradite with prejudice.

5. Ms. Jimenez's gross negligence, is the reason the Plaintiff has spent the last 18½-years incarcerated for a crime that he did not commit. And Ms. Jimenez, is the only Defendant that is not protected by judicial immunity; and for that reason the Plaintiff request the sum of \$1,000.000.00million dollars. Due to the Defendant(s) gross negligence, the Plaintiff has "lost" everything- for material possessions, to immediate family members, and \$1,000.000.00million dollars will not bring them back, or get the Plaintiff back the time lost with his kids, or bring back his deceased wife of 13-years;

6. ORDER, an evidentiary hearing and have the Commonwealth State of Pennsylvania, produce the Plaintiff and bring the Commonwealth's witnesses who told the Commonwealth that the Plaintiff was not here when alleged crime happened.

7. The Plaintiff, also prays that the Defendant(s) pay the filing fee of \$350.00dollars, and the service of the Complaint to all of the Defendant(s).

#### X. CONCLUSION

1. The Plaintiff did not commit the crime, and the extradition should be dismissed with prejudice as a matter of law; and after the governor Rescind on the extradition, the Plaintiff will be returned back to the State of New York.

**CERTIFICATE OF SERVICE**

I, Kevin Williams Pro Se, Plaintiff- do hereby certify that I am serving a true and correct copy of the Plaintiff's §1985, §1983 Complaint, on all parties listed below. By Certified Mail, on this 23rd, day of August 2017.

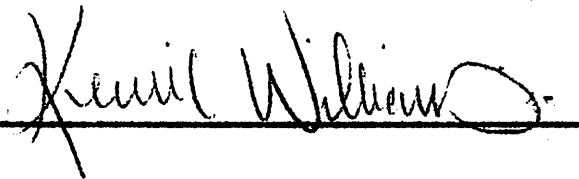
To: Clerk of U.S. District Courthouse  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

The Plaintiff is providing the Court with 285-form for the U.S. Marshal's to serve all of the Defendant(s) listed on the cover page of this Complaint.

Dated: August 23, 2017

CC: Pa. A.G.O.,

Respectfully Submitted,

  
\_\_\_\_\_

From:Mr. Kevin Williams,  
aka-Kirby Stewart. No#.EF-1167  
c/o.SCI-Forest,P.O.Box 945  
Marienville, Pa 16239

August 23, 2017

Re:Filing \$1985,\$1983 Complaint,

To:Clerk of U.S. District CourtHouse  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

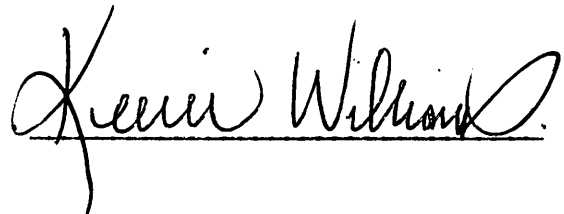
Dear Sir/Ma'am;

I'm writing to you to file a \$1985, \$1983 Complaint, so please see enclosed. Also, I'm sending the Court (5) 285-U.S. Marshal forms, one for each Defendant. And I'm providing the Court with exhibits, letter to Gov. Cuomo, letter to Judge Schneier, (2) letters to Gov. Wolf, extradition papers, extradition hearing transcripts; also a copy of the Plaintiff's financial status/ In Forma Pauperis.

I'm also serving a copy of the Complaint on the Attorney General for the Commonwealth of Pennsylvania. And a second copy of the Complaint with a S.A.S.E; Please time, date stamp said copy and return it back to the Plaintiff. Please feel free to contact me at your earliest convenience. Thanking you in advance for your kind assistance in this matter.

CC:Pa. A.G.O.,

Sincerely Yours,

A handwritten signature in cursive script, reading "Kevin Williams". The signature is written in dark ink and is positioned below the typed name "Kevin Williams".

U.S. Department of Justice  
United States Marshals Service

**PROCESS RECEIPT AND RETURN**  
See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF	KEVIN WILLIAMS, AKA-KIRBY STEWART	COURT CASE NUMBER						
DEFENDANT	Former Governor- Thomas J. Ridge.	TYPE OF PROCESS Civil Action.						
SERVE AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Former Governor- Thomas J. Ridge, of the Cmulth State of Pennsylvania							
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 508 Main Capital Building. Harrisburg, Pa 17120							
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW		<table border="1"> <tr> <td>Number of process to be served with this Form 285</td> <td>5</td> </tr> <tr> <td>Number of parties to be served in this case</td> <td>5</td> </tr> <tr> <td>Check for service on U.S.A.</td> <td>X</td> </tr> </table>	Number of process to be served with this Form 285	5	Number of parties to be served in this case	5	Check for service on U.S.A.	X
Number of process to be served with this Form 285	5							
Number of parties to be served in this case	5							
Check for service on U.S.A.	X							
Kirby Stewart. No#.EF-1167 c/o.SCI-Forest,P.O.Box 945 Marienville, Pa 16239								

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Fold Tom Wolf, is currently the governor of Pa, 508 Main Capital Building. Harrisburg, Pa 17120 and 333 Market Street. Harrisburg, Pa 17126-0333 Fold

Signature of Attorney other Originator requesting service on behalf of: <i>Kevin Williams</i>	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER	DATE 8/23/17.
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**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin No.	District to Serve No.	Signature of Authorized USMS Deputy or Clerk	Date
I hereby certify and return that I <input type="checkbox"/> have personally served, <input type="checkbox"/> have legal evidence of service, <input type="checkbox"/> have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.					
<input type="checkbox"/> I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)					
Name and title of individual served (if not shown above)				<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode	
Address (complete only different than shown above)				Date	Time <input type="checkbox"/> am <input type="checkbox"/> pm
				Signature of U.S. Marshal or Deputy	
Service Fee	Total Mileage Charges including endeavors	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*)  \$0.00

REMARKS:

- DISTRIBUTE TO:**
1. CLERK OF THE COURT
  2. USMS RECORD
  3. NOTICE OF SERVICE
  4. BILLING STATEMENT\*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
  5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

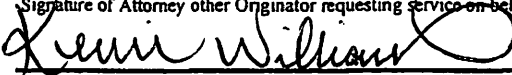
U.S. Department of Justice  
United States Marshals Service

**PROCESS RECEIPT AND RETURN**  
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PLAINTIFF KEVIN WILLIAMS, AKA-KIRBY STEWART		COURT CASE NUMBER	
DEFENDANT Former District Attorney- Joseph C. Madenspacher.		TYPE OF PROCESS Civil Action.	
SERVE AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Former District Attorney- Joseph C. Madenspacher, Lancaster County		
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 50 North Duke Street. P.O.Box 83480, Lancaster, Pa 17608-3480		
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW		Number of process to be served with this Form 285	5
Kirby Stewart. No#.EF-1167 c/o.SCI-Forest,P.O.Box 945 Marienville, Pa 16239		Number of parties to be served in this case	5
		Check for service on U.S.A.	X

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Fold Joseph C. Madenspacher- is the former district attorney, Craig W. Stedman, is currently the district attorney, Lancaster County, District Attorney Office  
50 North Duke Street, P.O.Box 83480  
Lancaster, Pa 17608-3480

Signature of Attorney other Originator requesting service on behalf of:  ☒ PLAINTIFF ☐ DEFENDANT TELEPHONE NUMBER DATE 8/23/17.

**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk	Date
	No. _____	No. _____	No. _____		
I hereby certify and return that I <input type="checkbox"/> have personally served, <input type="checkbox"/> have legal evidence of service, <input type="checkbox"/> have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.					
<input type="checkbox"/> I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)					
Name and title of individual served (if not shown above)				<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode	
Address (complete only different than shown above)				Date	Time <input type="checkbox"/> am <input type="checkbox"/> pm
				Signature of U.S. Marshal or Deputy	
Service Fee	Total Mileage Charges including endeavors	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*)
					\$0.00

REMARKS:

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  4. BILLING STATEMENT\*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
  5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

U.S. Department of Justice  
United States Marshals Service

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PLAINTIFF KEVIN WILLIAMS, AKA-KIRBY STEWART		COURT CASE NUMBER	
DEFENDANT Former Governor- George Pataki		TYPE OF PROCESS Civil Action.	
SERVE AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Former Governor- George Pataki, of the State of New York		
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) State of New York, Executive Chamber, Albany, New York 12224		
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW		Number of process to be served with this Form 285	5
Kirby Stewart. No#.EF-1167 c/o.SCI-Forest,P.O.Box 945 Marienville, Pa 16239		Number of parties to be served in this case	5
		Check for service on U.S.A.	X

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Fold Andrew Cuomo, is currently the governor of the State of New York  
State of New York, Executive Chamber, Albany, New York 12224

Signature of Attorney other Originator requesting service on behalf of: 	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER	DATE 8/23/17.
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		No. _____	No. _____		

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode
Address (complete only different than shown above)	Date _____ Time _____ <input type="checkbox"/> am <input type="checkbox"/> pm
Signature of U.S. Marshal or Deputy	

Service Fee	Total Mileage Charges including endeavors	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*)
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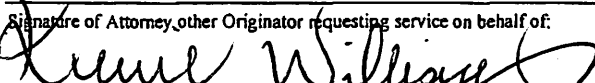
U.S. Department of Justice  
United States Marshals Service

**PROCESS RECEIPT AND RETURN**  
See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF KEVIN WILLIAMS, AKA-KIRBY STEWART		COURT CASE NUMBER	
DEFENDANT Martin Schneier, Judge.		TYPE OF PROCESS Civil Action.	
SERVE AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Martin Schneier, Judge- Kings County Supreme Court		
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 360 Adams Street. Brooklyn, New York 11201, Part-41.		
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW		Number of process to be served with this Form 285	5
Kirby Stewart. No#.EF-1167 c/o.SCI-Forest,P.O.Box 945 Marienville, Pa 16239		Number of parties to be served in this case	5
		Check for service on U.S.A.	X

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

**Fold** Martin Schneier, Judge- **Fold**  
Its two addresses to the Supreme Court: Supreme Court of the State of New York, Civic Center, Brooklyn, New York 11201.  
And- Supreme Court of the State of New York, Criminal Term, 320 Jay Street. Brooklyn, New York 11201.

Signature of Attorney, other Originator requesting service on behalf of: 	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER	DATE 8/23/17.
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**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process _____	District of Origin No. _____	District to Serve No. _____	Signature of Authorized USMS Deputy or Clerk _____	Date _____
---	------------------------	---------------------------------	--------------------------------	---	---------------

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode
Address (complete only different than shown above)	Date _____ Time _____ <input type="checkbox"/> am <input type="checkbox"/> pm
Signature of U.S. Marshal or Deputy _____	

Service Fee	Total Mileage Charges including endeavors	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*)  \$0.00
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REMARKS:

- DISTRIBUTE TO:**
1. CLERK OF THE COURT
  2. USMS RECORD
  3. NOTICE OF SERVICE
  4. BILLING STATEMENT\*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
  5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED



U.S. Department of Justice  
United States Marshals Service

**PROCESS RECEIPT AND RETURN**  
See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF	KEVIN WILLIAMS, AKA-KIRBY STEWART	COURT CASE NUMBER
DEFENDANT	Nancy Jimenez, former extradition specialist.	TYPE OF PROCESS Civil Action.
SERVE AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN	
	Former Extradition Specialist- Nancy Jimenez, Kings County D.A. ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) D.A. Office, Renaissance Plaza, 350 Jay St. Brooklyn, NY 11201-2908.	
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW		
Kirby Stewart. No#.EF-1167 c/o.SCI-Forest,P.O.Box 945 Mareinville, Pa 16239		Number of process to be served with this Form 285
		5
		Number of parties to be served in this case
		5
		Check for service on U.S.A.
		X

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Fold Nancy Jimenez, was/or still is Extradition Specialist, for the Kings County, District Attorney's Office. At Kings County District Attorney's Office. at Renaissance Plaza, 350 Jay Street. Brooklyn, New York 11201-2908 Telephone #718-250-2453

Signature of Attorney other Originator requesting service on behalf of:	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER	DATE
<i>Kevin Williams</i>			8/23/17.

**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk	Date
		No. _____	No. _____		

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

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Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode
Address (complete only different than shown above)	Date _____ Time _____ <input type="checkbox"/> am <input type="checkbox"/> pm
Signature of U.S. Marshal or Deputy	

Service Fee	Total Mileage Charges including endeavors	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*)
					\$0.00

REMARKS:

**DISTRIBUTE TO:**

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5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

1 SUPREME COURT OF THE STATE OF NEW YORK  
2 COUNTY OF KINGS: CRIMINAL TRIAL TERM : PART 41  
3 ----- X  
4 THE PEOPLE OF THE STATE OF NEW YORK : Indictment  
5 - against - : No. 99K018533  
6 KEVIN WILLIAMS :  
7 ----- X  
8 July 1, 1999  
9 360 Adams Street  
10 Brooklyn, New York  
11 B E F O R E:  
12 THE HONORABLE MARTIN SCHNEIER,  
13 J U S T I C E.  
14  
15 A P P E A R A N C E S:  
16  
17 CHARLES J. HYNES, ESQ.  
18 District Attorney, Kings County  
19 BY: RODNEY POWIS, ESQ.  
20 Assistant District Attorney  
21  
22 SAMUEL KARLINER, ESQ.  
23 26 Court Street  
24 Brooklyn, New York 11242  
25 Attorney for Defendant  
Maria E. Gordon, R.P.R.  
Official Court Reporter  
MEG

1 THE CLERK: Number one on the miscellaneous  
2 motion calendar, Docket Number 99K018533, Kevin Williams.  
3 The defendant is present with his attorney.  
4 Counsels, would you please state your  
5 appearances for the record?  
6 MS. LAGUERRE-BROWN: ADA Carol Anne  
7 Laguerre-Brown. L-A-G-U-E-R-R-E hyphen Brown.  
8 MR. KARLINER: Samuel Karliner, 26 Court  
9 Street, Brooklyn, New York, for the defendant.  
10 (Pause.)  
11 MR. KARLINER: Ready to proceed.  
12 THE CLERK: Will the defendant please rise?  
13 What is your true name?  
14 THE DEFENDANT: Kevin Williams.  
15 THE CLERK: Do you speak and understand  
16 English?  
17 THE DEFENDANT: Yes.  
18 THE CLERK: Is Mr. Karliner, who stands next to  
19 you, your attorney?  
20 THE DEFENDANT: Yes.  
21 THE CLERK: Are you the person named in the  
22 warrant?  
23 THE DEFENDANT: No.  
24 THE CLERK: He is not the person named in the  
25 warrant?

ESP

## Proceedings 3

1 THE COURT: People?  
2 THE CLERK: Do you waive the reading of the  
3 extradition papers?  
4 MR. KARLINER: Yes.  
5 THE CLERK: And I suppose you wish to test the  
6 legality of the papers?  
7 MR. KARLINER: Correct.  
8 THE COURT: We have to have a hearing to  
9 determine that.  
10 MS. LAGUERRE-BROWN: The People are requesting  
11 two weeks, Your Honor.  
12 THE COURT: For what purpose?  
13 MS. LAGUERRE-BROWN: In order to bring  
14 witnesses.  
15 THE COURT: I can't hear you?  
16 MS. LAGUERRE-BROWN: In order to bring  
17 witnesses before the Court, and to prepare --  
18 THE COURT: Witnesses will come from where?  
19 MS. LAGUERRE-BROWN: The Commonwealth of  
20 Pennsylvania.  
21 THE COURT: You need time to bring witnesses  
22 from Pennsylvania?  
23 MS. LAGUERRE-BROWN: Yes.  
24 THE COURT: Mr. Karliner, the 25th?  
25 MR. KARLINER: I am not here the week of the

ESP

## Proceedings 4

1 21st.  
2 However, the week of the 28th I could do it on  
3 the 28th, the 29th, the 1st, whatever day is good for  
4 the Court. The 2nd, even. Although that's the  
5 beginning of the 4th of July weekend.  
6 (Whereupon, there was an off-the-record  
7 discussion.)  
8 THE COURT: July 2nd, at 9:30 a.m.  
9 MS. LAGUERRE-BROWN: I am serving on defense  
10 counsel a copy of the governor's warrant.  
11 THE COURT: Hold it. Just a second.  
12 (Pause.)  
13 THE COURT: Let's retract that because of the  
14 holiday weekend. July 1st may be better. July 1, 1999.  
15 THE CLERK: Part 36. July 1st.  
16 MS. LAGUERRE-BROWN: I also serve you with a  
17 copy of the governor's warrant.  
18 (Handing.)  
19 THE COURT: Defendant remanded to July 1st.  
20 (Whereupon, the case was adjourned to July 1,  
21 1999.)  
22  
23  
24  
25

ESP

Proceedings

5

It is hereby certified that the foregoing is a true and accurate transcript of the stenographic record.

*Eric S. Pollyea*

ERIC S. POLLYEA,  
Official Court Reporter

BSP

DET. KISS - DIRECT - PEOPLE

A By interviewing numerous witnesses in this case.

Q I'm sorry. I didn't hear.

THE COURT: Just a second, sir. You came from Pennsylvania to New York?

THE WITNESS: Yes, sir.

THE COURT: To Brooklyn, New York?

THE WITNESS: Yes, sir.

THE COURT: And what purpose did you come to Brooklyn, New York, sir?

THE WITNESS: To testify in the I.D. of a wanted subject.

THE COURT: What does a wanted subject mean? Who's wanted?

THE WITNESS: This gentleman is wanted.

THE COURT: I can't hear you, sir.

THE WITNESS: Kevin Williams. I know him as Kirby Stewart.

THE COURT: Is wanted by the State of Pennsylvania, correct?

THE WITNESS: Yes.

THE COURT: And is this -- you're here pursuant to the Governor's requisition?

THE WITNESS: Right.

THE COURT: For that person?

THE WITNESS: Right.

MEG

DET. KISS - CROSS - DEFENSE

7

THE COURT: Are you offering now a picture of the person you're seeking?

THE WITNESS: Yes, this is the guy I want.

THE COURT: That's the guy you want?

THE WITNESS: Yeah.

THE COURT: May I see it?

THE WITNESS: Yes, sir.

THE COURT: That's the person you want to bring back to Pennsylvania to answer the charges here?

THE WITNESS: Yes, sir.

THE COURT: Of?

THE WITNESS: Homicide.

THE COURT: Criminal homicide. I think it's criminal homicide.

THE WITNESS: Criminal homicide.

THE COURT: Okay. Any other questions for this witness?

MR. POWIS: No, Judge, thank you.

THE COURT: Cross-examination?

CROSS-EXAMINATION

BY MR. KARLINER:

Q Detective, the person that you're seeking you know as Kirby Stewart, correct?

A The first --

THE COURT: Objection sustained. Objection

MEG

DET. KISS - CROSS - DEFENSE

8

sustained. Objection is sustained as to what the name is.

It's irrelevant to the Court what the name is. The picture of the person that you're seeking in this picture, is that correct?

THE WITNESS: Yes, sir.

THE COURT: Okay. No problem.

Q Did you request that photograph from the State of New York?

MR. POWIS: Objection.

THE COURT: Sustained.

Q How did you get the photograph, Detective?

MR. POWIS: Objection.

THE COURT: Sustained.

Q Detective, you testified on direct examination that you interviewed witnesses in this case, correct?

MR. POWIS: Objection.

THE COURT: No -- Yes.

THE WITNESS: Yes, I interviewed numerous witnesses.

Q You prepared an affidavit in this case, correct?

MR. POWIS: Objection.

THE COURT: Sustained.

MR. KARLINER: Judge, it's in evidence.

THE COURT: Objection sustained.

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DET. KISS - CROSS - DEFENSE  
MR. KARLINER: May the witness please be shown

People's 1.

THE COURT: Sure.

Q Detective, that contains an affidavit that you prepared, correct?

A Yes, it does.

Q In that affidavit that you prepared, you indicate you were looking for a person by the name of Kirby Stewart, correct?

THE COURT: Objection sustained. The Court is not going on the documents. The Court will preclude counsel from going into anything beyond the first two sheets, which are as follows, the Commonwealth of Pennsylvania Governor's Requisition, which has a seal on it, and where is it appears the next copy, etc., etc., and signed by the Governor of the State of Pennsylvania on May 5th of 1999 and the governor also signed a further document authorizing the apprehension of a person.

The Court will not go into any documents beyond and precludes going into anything else even in officer's affidavit, and I'm precluding him over the very strenuous objection of defense counsel.

MR. KARLINER: Respectfully, Judge, I'm not permitted to cross-examine him about anything else within those papers?

MEG

admitted into evidence and the rest of the papers remove from evidence.

THE COURT: That's denied.

MR. KARLINER: Judge, how can -- well, then, I'm stepping back for a second in terms of the People submitting that into evidence.

If I'm not allowed to cross-examine him about it, I object.

THE COURT: Overruled.

MR. KARLINER: May I see People's 1?

THE COURT: Sure. The Court determines the recent Court's ruling to correct -- it's clear for the Appellate Division.

I'm making a ruling because the Court is not going behind a determination by Assistant Governor of the -- Governor of the State of Pennsylvania made a determination that the papers were sufficient for him and, therefore, the Court is only accepting his determination and not going beyond his determination.

The Governor of Pennsylvania in his wisdom determined that the papers were proper and based on those papers signed the necessary papers.

And then the Governor of New York, likewise, honored those papers and signed the various documents and

MEG

DET. KISS - CROSS - DEFENSE

11

the Court is not going beyond it over the very strenuous objection of defense counsel.

Q Detective, how did you come to determine, personally, yourself that the person in People's 3 is my client?

MR. POWIS: Objection.

THE COURT: Sustained.

MR. KARLINER: Judge, he just testified that

he --

THE COURT: Objection sustained. No, he didn't say that.

The witness testified that the person he's

seeking is the person in the photograph.

The Court is looking at the defendant and the Court is determining as a matter of law that the person standing -- sitting before the Court is the person in the picture. The Court has determined that the person that

This witness is seeking we know that he is the person in the photograph. That's all we know, and the Court -- and let it be known that this person has a scar along the side of his face and it's obvious to the Court that the person seated here is the person in the photograph. The Court is making that determination.

Q Detective, People's 3 in evidence, that photograph, did you show it to any witnesses?

MR. POWIS: Objection.

MEG

DET. KISS - CROSS - DEFENSE

14

THE COURT: Sustained.

MR. KARLINER: Judge, just for the record, I'm going to indicate that every time I ask a question the Court's motioning to the prosecution to make an objection. I think it's improper. I think you've done it on the last five objections that have been made.

It's not the purview of this Court. This Court is supposed to sit as an impartial fact finder and to instruct the prosecution when to make objections, in my belief, is, respectfully, improper and I'd ask that it not be done anymore.

THE COURT: The Court is a Court of Justice and the Court wants to make sure that justice is done and, therefore, the Court will rule or make on its own proper proceedings. The Court is limiting it so we know exactly what we're doing.

The Court is completely within the statute of the Uniform Criminal Extradition Act of 570.02 of the Criminal Procedure Law.

MR. KARLINER: Then I ask if this Court feels that an objection should be made and you want a -- sui sponte want to sustain one of my objections, please do so from the bench but please don't insult me in my professionalism by instructing the prosecutor like a puppet to stand up and object

MEG

DET. KISS - CROSS - DEFENSE

MR. POWIS: Your Honor, may I make a record, I believe, before I had an opportunity to stand, the Judge is viewing my facial expressions and noting I'm about to stand.

THE COURT: Let's go. Have a seat. Let's go forward.

Q Detective, the person named in the Governor's warrant -- the Governor's Requisition from your commonwealth, did you ever make any inquiry as to whether or not that person known as Kirby Stewart holds an F.B.I. number?

A Under the name of Kirby Stewart?

Q Correct.

A Well, I found out that there are a few Kirby Stewarts.

Q Okay. You know what an F.B.I. number is?

A Yes, I do.

Q That's a number given by the F.B.I. based on fingerprints, correct?

A Correct.

Q And do you have those numbers with you?

MR. POWIS: Objection as to relevance.

THE COURT: Sustain.

Q Well, how many Kirby Stewarts did you come up with?

A I found at least one other than that gentleman over there.

MEG

DET. KISS - CROSS - DEFENSE

A I found one guy named Kirby Stewart and one guy with an A.K.A. of Kirby Stewart.

MR. POWIS: Objection.

THE COURT: Sustained.

Q Can you tell me what is the F.B.I. number for either one of those two individuals?

A I don't have them right now.

MR. POWIS: Objection. Relevance.

THE COURT: Sustained. Sir, when an objection

is made, don't say anything. Objection is sustain.

Q Did you ever compare the F.B.I. numbers of either Kirby Stewarts to my client Kevin Williams' F.B.I. number?

MR. POWIS: Objection.

THE COURT: Sustained.

MR. POWIS: Your Honor --

THE COURT: The objection is sustained.

MR. POWIS: -- may I --

THE COURT: Objection is sustained.

MR. POWIS: May I address the Court.

THE COURT: Yeah.

MR. POWIS: Your Honor, the witness has

indicated that the individual he's seeking for a crime

committed in the Commonwealth is here in that picture and

is both here before him. I believe this inquiry

MEG

DET. KISS - CROSS - DEFENSE

should --

THE COURT: Well, make the proper objection, sir, if you feel the request improper, sir.

MR. KARLINER: Judge, unless I'm mistaken, you specifically just told me that this witness was not permitted to say that the person in the photograph is my client. Isn't that what you just told me?

THE COURT: I didn't say that.

MR. KARLINER: You most certainly did. You said this witness is not being permitted to find my client as the person he wants, just the person in the

photograph and this Court is going to make the determination. So what the prosecutor just said is improper and it's incorrect.

THE COURT: Let's go forward. Next question.

MR. KARLINER: Well, I need to determine what the evidence is that this Court is determining.

THE COURT: Very simple. It's very simple.

The Court has before it photographs of an individual being sought by the Commonwealth of Pennsylvania.

The Court's looking at the photographs and looking at the individuals and has made a judicial determination that the person in the photograph is the same person before the bench.

MR. KARLINER: Is this witness permitted to

MEG

DET. KISS - CROSS - DEFENSE

identify my client?

THE COURT: No. Did you ever meet Mr. -- the gentleman who sits before you? Did you ever meet him?

THE WITNESS: After he was arrested.

THE COURT: No, before this.

THE WITNESS: No.

THE COURT: Never in your life before the arrest?

THE WITNESS: No.

THE COURT: You're sure?

THE WITNESS: Yes.

Q In requesting the photograph as People's 3, was that request under the name Kirby Stewart or Kevin Williams?

MR. POWIS: Objection.

THE COURT: Sustained.

Q And did you receive that photograph before or after you arrested my client?

MR. POWIS: Objection.

THE COURT: Sustained.

Q Did you receive that photograph before or after you swore out the affidavit dated February 18, 1999?

MR. POWIS: Objection.

THE COURT: Sustained.

Q Detective, can you please tell me what information, if any, that you have that my client was within the

MEG

2 18, 1999?

3 MR. POWIS: Objection.

4 THE COURT: Sustained.

5 MR. KARLINER: Your Honor, with all due

6 respect --

7 THE COURT: Objection.

8 MR. KARLINER: With all do respect, Subsection

9 D of the Statute allows me to challenge my client's

10 fugitive status. That is exactly what I'm seeking to do.

11 I have the right to do that, Judge. If you're

12 not permitting me to do it through this witness -- Is that

13 the Court's ruling that I'm not permitted to do it through

14 this witness? Is that the Court's ruling?

15 THE COURT: When we stop talking, I'll talk.

16 MR. KARLINER: I'm done.

17 THE COURT: Sustained. The objection is

18 sustained. Proceed. The objection is sustained.

19 MR. KARLINER: One moment, Judge.

20 (WHEREUPON, there is an off-the-record

21 discussion between the Defendant and Mr. Karliner)

22 Q Detective, do you know an individual by the name of

23 Michael Murrow?

24 MR. POWIS: Objection.

25 THE COURT: Sustained.

MEG

2 Butler?

3 MR. POWIS: Objection.

4 THE COURT: Sustained.

5 Q Do you know an individual by the name of Rashee Davis

6 (phonetic)?

7 MR. POWIS: Objection.

8 THE COURT: Sustained.

9 Q Detective, are you aware that witnesses in this case

10 have given sworn testimony within the Commonwealth of

11 Pennsylvania in relationship to this case?

12 MR. POWIS: Objection.

13 THE COURT: Sustained.

14 Q Are you aware that witnesses have given testimony

15 within the State of Pennsylvania saying the allegations

16 contained in your affidavit are not true?

17 THE COURT: Objection sustained. The Court is

18 not going beyond the first two sheets of the

19 Pennsylvania -- of the Governor of Pennsylvania

20 requisition.

21 MR. KARLINER: I have nothing else of this

22 witness, Judge.

23 THE COURT: Step down. People rest?

24 MR. POWIS: Yes, Your Honor. I'll make an

25 argument.

MEG

19 WILLIAMS - DIRECT - DEFENSE

1 THE COURT: Let's hear defense counsel first.

2 MR. POWIS: People rest.

3 MR. KARLINER: If I could have one moment,

4 Judge.

5 THE COURT: Take your time. If you need more

6 than a moment, take as much time as you need.

7 (WHEREUPON, there is an off-the-record

8 discussion between the Defendant and Mr. Karliner)

9 MR. KARLINER: Your Honor, at this time defense

10 calls Kevin Williams to the stand.

11 THE COURT: All right. Take the stand. Step

12 up.

13 K E V I N W I L L I A M S, called as a witness on behalf of

14 the Defense, having first been duly sworn testified as follows:

15 THE COURT: Be seated, sir. Just give your

16 name to the court reporter.

17 THE WITNESS: Kevin Williams.

18 THE COURT: Proceed.

19 DIRECT EXAMINATION

20 BY MR. KARLINER:

21 Q Good afternoon, Mr. Williams.

22 A Good afternoon.

23 Q How old are you?

24 A 31.

25 Q Where do you live?

MEG

20 WILLIAMS - DIRECT - DEFENSE

1 A 104-40 105th Street, Ozone Park, Queens.

2 Q Have you ever used the name Kirby Stewart?

3 A No, I did not.

4 Q Do you know what an F.B.I. number is?

5 A No, I do not.

6 Q On January 7, 1999 through January 19, 1999, were you

7 within the State of Pennsylvania?

8 A No, I was not.

9 Q What state were you in during that time period?

10 A Brooklyn, New York.

11 MR. KARLINER: Nothing else, Judge.

12 THE COURT: Do you have any questions, counsel?

13 MR. POWIS: Yes. Your Honor, I'd like to have

14 deemed marked for -- well, I'd actually liked to move

15 into evidence as People's Number 4, a license --

16 MR. KARLINER: Objection, Judge.

17 MR. POWIS: -- from the State of New Jersey --

18 MR. KARLINER: Objection, Judge.

19 MR. POWIS: -- that has the name Kirby Stewart

20 on it and the defendant's picture.

21 MR. KARLINER: There's no foundation, Judge.

22 Objection.

23 THE COURT: Overruled.

24 MR. POWIS: It's an official document.

25 THE COURT: Overruled. Overruled. Court takes

MEG



WILLIAMS - DIRECT - DEFENSE  
into evidence a Jersey --  
MR. KARLINER: May I see it.  
THE COURT: Sure.  
MR. KARLINER: Is this cross-examination? How  
is this going to end?  
THE COURT: Show your adversary. Do you have a  
New Jersey license?  
THE WITNESS: No, I do not. Does it have the  
scar on it?  
THE COURT: What's your date of birth?  
THE WITNESS: July 29, 1968.  
THE COURT: All right. The Court sustains the  
objection. Objection sustained. Any other questions of  
this witness?  
MR. POWIS: No questions.  
THE COURT: Any redirect?  
MR. KARLINER: Nothing else, Judge.  
THE COURT: Step down. Defendant rests?  
MR. KARLINER: Yes.  
THE COURT: All right. People go first. Go  
ahead.  
MR. POWIS: Your Honor, People rely on the  
Governor's warrant of the Commonwealth of Pennsylvania  
and the State of New York.  
The detective has testified before this Court  
MEG

PROCEEDINGS  
that, the detective from Lancaster believes that the  
individual wanted in this case was the individual in the  
picture.  
Your Honor had made a determination that the  
individual in the picture is the individual before the  
Court. That the defendant in this case has cleared up any  
issue of identity whatsoever by taking the stand and  
saying his name is Kevin Williams. Kevin Williams is the  
individual named in both Governor's warrants.  
The individual before the Court must be  
extradited and sent to the wanting state of Pennsylvania.  
THE COURT: All right. Counsel?  
MR. KARLINER: Judge, there are several  
different grounds for challenging for which a defendant  
being held in New York State can challenge extradition.  
The first is insufficiency of the papers. This  
Court has made a legal determination that you are only  
accepting the first two pages of what the People submitted  
as People's 1 in evidence.  
Furthermore, during the cross-examination, this  
Court precluded me from cross-examining about the other  
papers to determine their sufficiency on their face.  
If this Court is not accepting the other pages,  
and I will, for the record, I guess, I should say exactly  
how many pages there are. If this Court is only  
MEG

PROCEEDINGS  
considering the first of the Governor's requisition from  
the Commonwealth of Pennsylvania, the second page, the  
Governor's Office from the Commonwealth of Pennsylvania,  
if you're only considering those two documents, this Court  
cannot rule that the papers are sufficient because this  
Court has failed to consider the application for  
requisition, page three, the affidavit on page four, the  
criminal complaint on page five, which has a photograph on  
it, the second page of the criminal complaint, the  
affidavit of probable cause, page one and page two, as  
well as an authorization for Detective Kiss to come get my  
client.  
And, finally, the statute of criminal homicide  
which is attached, so if this Court has chosen to only  
accept the first two pages and not the final pages, there  
is no way that I see -- that the defense sees that this  
Court in any way any how can find that the moving papers  
are sufficient on their face because you fail to consider  
them.  
Secondly, the defense is permitted to contest  
identification that this is the proper person. In New  
York State, we know that photographs are inherently  
unreliable and that is never certainly allowed as trial  
evidence. It's never allowed as direct evidence, what is  
relied or what's not reliable, but what meets a certain  
MEG

PROCEEDINGS  
test. I don't believe just a photograph is if a witness  
has identified the person in the photograph and certainly  
People's 3 is a New York State Department of Corrections  
photograph of my client. We conceded that. Certainly  
it's my client, but we have no idea if a witness in  
Pennsylvania identified that person as being a participant  
in the crime.  
We have no idea if there was any photo array,  
any looking for photographs, if there's anything, because  
no evidence has been adduced. We don't even know how he  
got this photograph. All we know is that this detective  
had the name Kirby Stewart. That's all this detective  
had, and we know that he came up with at least two Kirby  
Stewarts, so I think there is certainly a question of  
doubt as to whether or not, rather, my client is the  
proper person named within this complaint.  
Certainly this Court knows what my client's --  
or could take judicial notice as to what my client's  
F.B.I. number is. It's part of the Court file. It's  
taken from his fingerprints. Fingerprints are something  
that are accurate and cannot change; however, this  
detective had two F.B.I. numbers for a person named Kirby  
Stewart and we have no idea at all did either one of those  
two photographs, two F.B.I. numbers, match my client's.  
We don't know. So there's more doubt as to his identity.  
MEG

1 Judge, Section 11 of the statute permits the  
2 defense to challenge the fugitive status of my client, of  
3 any defendant that's deemed a fugitive and this Court is  
4 required to make a determination based on the evidence  
5 that my client was present within the jurisdiction at the  
6 time the crime was committed.

7 And the People have put forth no evidence at  
8 all, none to suggest that to this Court that my client was  
9 in New Jersey in the jurisdiction at the time the crime  
10 was committed because of that and as well as my other  
11 arguments I feel that this Court must not allow Kevin  
12 Williams to be extradited because the People have failed  
13 to show four parameters completely, sufficiently,  
14 credibly, specifically that my client was within the  
15 jurisdiction at the time the crime was committed to this  
16 Court.

17 THE COURT: All right. Let the record indicate  
18 the Court has before it the Governor's requisition papers  
19 and then there are papers -- there's also a photograph of  
20 this defendant. All it says Kirby Stewart but looking at  
21 the photograph is looking at the defendant it is the  
22 defendant.

23 The Court has heard all the testimony, is aware  
24 of Statute 570.02 of the Criminal Procedure Law, Uniform  
25 Criminal Extradition Act, the Court determines that the

MEG

2 extradition documents on their face are in order.  
3 The next question is whether this defendant --  
4 this person before the Court is the person charged with  
5 the crime in the demanding state.

6 Based on the evidence before the Court, the  
7 photographs, testimony of the witness, the Court  
8 determines that the person before the Court is the person  
9 charged with the crime in the demanding state.

10 Next, the question that's before the Court is  
11 whether the defendant has been charged with a crime. Yes,  
12 according to the papers, there is a crime charged. It's  
13 called, I think, criminal homicide in Pennsylvania.

14 Next, whether the person before the Court is a  
15 fugitive. Off the record.

16 (WHEREUPON, there is an off-the-record  
17 discussion, after which the following proceedings takes  
18 place before the Court as follows:)

19 THE COURT: The Governor's Warrant, Governor  
20 Pataki, of the signing state has presumed the evidence  
21 that the person is a fugitive and the Court makes the  
22 determination that the person is a fugitive for all the  
23 aforesaid reasons based on the evidence before the Court.

24 MR. KARLINER: Judge, if I may --

25 THE COURT: I'm sorry, counsel, yes you wanted  
to say something.

MEG



PROCEEDINGS

1 what a fugitive is and in order to be a fugitive,  
2 according to the statute, it has to be shown that the  
3 person was within the state that is requesting it, the  
4 Commonwealth of Pennsylvania, at the time the crime was  
5 committed. That is the definition. The legal definition  
6 of a fugitive as defined by the statute --

7 THE COURT: Okay. Have a seat. The Court  
8 finds testimony of the defendant not credible as a matter  
9 of law; therefore, the Court orders the warrant -- orders  
10 the defendant be extradited back to Pennsylvania  
11 forthwith.

12 MR. KARLINER: Judge, Judge, just for the  
13 purposes -- in case my client does choose to appeal  
14 this --

15 THE COURT: And these minutes constitute the  
16 decision and order of the Court.

17 MR. KARLINER: -- can I ask the Court how the  
18 Court determined what the date of the crime was?

19 THE COURT: Next case, please.

20 MR. KARLINER: Judge, if the Court does not  
21 want to give me a ruling on that, certainly my client has  
22 to be advised of his right of appeal before he's taken  
23 from the courtroom.

24 MR. POWIS: Your Honor --

25 MEG

THE COURT: Just a second, please.

MR. KARLINER: Your Honor, at this time I'm

requesting that People keep in their possession People's  
1, 2 and 3.

I believe it was a blueback copy of a Governor's  
warrant stapled Governor's warrant and a photograph. I'm  
asking that they maintain those three items in their  
possession.

THE COURT: Okay. Authorities are to pick up  
the defendant right now forthwith.

MR. KARLINER: Is he advised of his right of  
appeal?

COURT CLERK: If you want to, I'll advise him  
of his right of appeal but we don't usually do that in  
extraditions.

MR. KARLINER: Judge, due to the hour, it's now  
five to four, it's my intention to file an order to show  
cause and have the Court's decision reviewed.

I'm asking that the Court instruct the  
Department of Corrections to hold my client for 48 hours  
and the Appellate Division can make that determination  
before my client is taken to Pennsylvania.

THE COURT: That's denied. The Appellate  
Division is now open. You can go to the Appellate  
Division and get a stay right now.

MEG

PROCEEDINGS

29

1 MR. KARLINER: I'd ask him to ask corrections  
2 to hold him until five o'clock.

3 THE COURT: Okay. We'll do that until five  
4 o'clock.

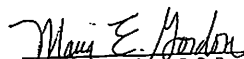
5 MR. POWIS: Your Honor, for the record,  
6 Detective Flemming of the Lancaster Bureau of Police,  
7 Detective Goodson and Detective Kiss are here to take the  
8 defendant back to the Commonwealth and are ready to do  
9 so.

10 MR. KARLINER: The last thing I'd ask, Judge,  
11 with the three detectives in the courtroom, I'd ask and  
12 instruct them not to speak to my client regarding this or  
13 any other matter as he is represented by counsel.

14 \*\*\*\*\*

15 I hereby certify that the foregoing is a true and  
16 accurate copy of the stenographic copy of the hearing held in  
17 the above matter.

18 (Or trial as the case may be)

19   
20 Maria E. Gordon, R.P.R.  
21 Official Court Reporter  
22  
23  
24  
25

MEG

# Commonwealth of Pennsylvania



## GOVERNOR'S REQUISITION

THE GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA,

TO THE GOVERNOR OF THE STATE OF NEW YORK

WHEREAS, It appears by the annexed copies of Application, Complaint, Affidavit of Probable Cause, Warrant, Identification, which I certify to be authentic and duly authenticated in accordance with the Laws of this Commonwealth, that KIRBY STEWART aka KEVIN WILLIAMS, KING stands charged with the crime(s) of Criminal Homicide, which I certify to be (a) crime(s) under the Laws of this Commonwealth, committed in the County of Lancaster, in this Commonwealth, and it having been represented to me that the subject has fled from the justice of this Commonwealth, and has taken refuge in the State of New York.

NOW THEREFORE, pursuant to the provisions of the Constitution and the Laws of the United States in such case made and provided, I do hereby require that the said KIRBY STEWART aka KEVIN WILLIAMS, KING be apprehended and delivered to Sheriff Philip Bomberger, III or deputies who are hereby authorized to receive and convey the subject to the Commonwealth of Pennsylvania, there to be dealt with according to Law.

Given under my hand and the Great Seal of the State, at the City of Harrisburg, this 5th day of May in the year of our Lord one thousand nine hundred and ninety-nine.



Thomas G. Ridge  
Governor of Pennsylvania

By the Governor:

John J. Fugere  
Secretary of the Commonwealth

DSBC-90  
8/95

## APPLICATION FOR REQUISITION

TO THE HONORABLE THOMAS RIDGE, Governor of the Commonwealth of Pennsylvania

THE PETITION OF JOSEPH C. MADENSPACHER, District Attorney of LANCASTER County,  
Commonwealth of Pennsylvania, respectfully represents:

I. That the full name, properly spelled, of the person for whom extradition is asked is *(include all aliases)*  
KIRBY STEWART aka KEVIN WILLIAMS NY# 5410450R

II. That your petitioner verily believes said person is now in REIKERS ISLAND 1515 HAZEN STREET  
EAST ELMHURST, State of NEW YORK, which belief is founded on information from \_\_\_\_\_

NANCY JIMENEZ, SENIOR EXTRADITION SPECIALIST  
KINGS COUNTY DISTRICT ATTORNEY OFFICE, BROOKLYN, N.Y. 1-718-250-2453

III. *(Complete either Paragraph III or Paragraph IV).*

(A) That said person stands charged as appears by annexed certified copy of (check appropriate line (s) and supply the necessary information).

☒ Complaint

☒ Affidavit of Probable Cause

☒ Warrant

☐ Criminal Information

☐ Indictment

with the crime(s) of CRIMINAL HOMICIDE

committed in the County of LANCASTER, Commonwealth of Pennsylvania, on or

about the 18 day of JANUARY, 19 99;

(B) *(Check appropriate paragraph and delete paragraph which does not apply)*

That said person was in the said county and Commonwealth at the time of the commission of said offense, and fled the jurisdiction of the Commonwealth before arrest could be made or before trial could be held and is a fugitive from the justice of this Commonwealth;

That said person committed (an) act(s) in the State of \_\_\_\_\_ or \_\_\_\_\_ which intentionally resulted in (a) crime(s) in this Commonwealth under Section 9127 of the Uniform Criminal Extradition Act of June 17, 1978 42 Pa C.S.A.;

(C) That the said person is now desired in order that he/she may be tried for the commission of the said crime;

(D) That there is sufficient evidence that can and will be produced at his/her trial to justify said person's conviction;

(E) That any delay which may have occurred in the prosecution of said offense or in the application for requisition was unavoidable for the following reason(s): DEFENDANT FLED JURISDICTION;

... the ends of public justice require that the said person be brought to this Commonwe

COMMONWEALTH OF PENNSYLVANIA,  
COUNTY OF LANCASTER

SS:

I, Danette K. Burkholder, Chief Deputy  
Court of Common Pleas for the County of Lancaster DO  
CERTIFY that the foregoing is a true copy of the  
Criminal Complaint, Affidavit of Probable Cause & Warrant  
COMMONWEALTH OF PENNSYLVANIA is Plaintiff and

Kirby Stewart AKA Kevin Williams is Defendant;

(SEAL)

of Complaint Number CR-70, 1999  
as full, entire and complete as the same remains on  
file in the Court of Common Pleas for the County of  
Lancaster, in the case there stated IN TESTIMONY WHEREOF,  
I have hereunto set my hand and affixed the seal of the  
said Court this ninth day of April,  
in the year of our Lord one thousand nine hundred and  
ninety-nine

Danette K. Burkholder  
Clerk of The Court Ch. Dep.

COUNTY OF LANCASTER

SS:

I, D. Richard Eckman President Judge  
of the Court of Common Pleas for the County of Lancaster,  
DO CERTIFY that the foregoing Record and Attestation,  
made by Danette K. Burkholder, Chief Deputy, Clerk of the said  
Court, whose name is thereto subscribed and seal of of-  
fice affixed, are in due form, and made by the proper  
officer. IN TESTIMONY WHEREOF, I have hereunto set my  
hand this ninth day of April, in  
the year of our Lord one thousand nine hundred and  
ninety-nine

D. Richard Eckman  
President Judge

(SEAL)

COUNTY OF LANCASTER

SS:

I, Danette K. Burkholder, Chief Deputy Clerk of The  
Court of Common Pleas for the County of Lancaster DO  
CERTIFY that the Honorable D. Richard Eckman  
by whom the foregoing Attestation was made, and whose  
name is thereto subscribed, was at the time of making  
thereof, and still is, a Judge of the Court of Common  
Pleas for the County of Lancaster duly commissioned and  
sworn; to all whose acts, as such, full faith and credit  
are and out to be given as well in Courts of Judicature  
as elsewhere. IN TESTIMONY WHEREOF, I have hereunto  
set my hand and affixed the seal of the said Court, this  
ninth day of April, in the year of  
our Lord one thousand nine hundred and ninety-nine

Danette K. Burkholder  
Clerk of The Court

(SEAL)

Defendant's Name: Kirby Stewart B/M/29

29

Docket Number:



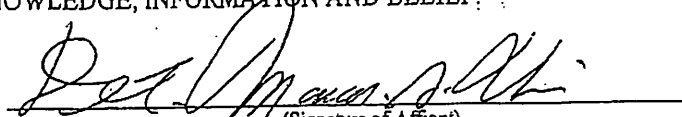
## AFFIDAVIT OF PROBABLE CAUSE

- 1.) That during the week of 1/7/99 during the day the victim Kirkland Hardy & another person went to 307 E. King St. #1, Lancaster, Pa. That this apartment was occupied by Regina Butler, & that Butler had a number of house guests. That these guests were only known to her by nicknames which were as follows; King (Kirby Stewart) Dice (Mike Seaberry), Nitty (Darryl Coleman), Q (Kawame Coe), T (Alexander Paul), Light (Juvenile), Smoke (Juvenile). That these persons would store drugs, guns, & counterfeit money at Butlers house.
- 2.) That during this week of 1/7/99 during the day, the victim Kirkland Hardy & another person broke into this apartment & took a quantity of counterfeit money, crack cocaine and two guns, a 25 cal. & a 9mm. That as a result of this theft, Q, Dice and T began to look for the victim in retaliation for the theft. That in particular, Dice & Q & the actor went to known addresses of the victim looking for him, telling mutual friends of the victim that they were going to kill him or "get him" for what he did. That Dice & Q went to at least three known addresses of the victim. That the actor was along and went to at least one of these addresses with the other two..
- 3.) That Dice had purchased a red Chev. Blazer, & had the windows tinted dark black. That Dice would drive this vehicle as he looked for the victim, &, that Dice was the sole driver of tis vehicle. That Dice purchased this vehicle from a witness in this case. That the registration of this vehicle is PA. BRZ-2245.
- 4.) That on 1/20/99 Det. Kis spoke with an individual who has been identified to me by both name & address & who has agreed to testify in any Court proceeding concerning the information that this individual has provided to me & which will be related in this Affidavit. I believe this witness to be truthful because the witness voluntarily provided this information & agreed to testify. The witness told me that he spoke to the two of the actors in this case (Coe, & Seaberry), that they drove next to the victim in the 500 block of W. Orange St. Lancaster, Pa. on 1/18/99 in the evening. That Seaberry was the driver & Coe was the passenger.
- 5.) That Seaberry had a 9mm weapon & Coe had a 38 cal. weapon. That they drove up to the victim & briefly spoke to him & then opened fire on him, with these guns. That Seaberry & Coe shot numerous times, to include shooting the victim in the head dropping him to the ground. That he eventually died as a result of these gunshots.
- 6.) That the day after the murder (1/19/99) Seaberry telephoned the ex-owner of the Blazer, & told him to report this vehicle as stolen to the police. That Det. Kiss also spoke to another witness on 1/26/99 who has been identified to me by both

I Certify this is a true and correct copy of the

original affidavit filed in this office.
  
 District Justice
Commission Exp. 1st Mon. Jan. 2000

I, DETECTIVE THOMAS A. KISS, BEING DULY SWORN ACCORDING TO  
 LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE  
 TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

  
 (Signature of Affiant)

Sworn to me and subscribed before me this

18

day of

Feb19 992/18/99 Date
  
 District Justice
My commission expires first Monday of January, 2000

SEAL

Defendant's Name: Kirby Stewart B/M/29

Docket Number:



## AFFIDAVIT OF PROBABLE CAUSE

6 continued) name & address & who has agreed to testify in any Court proceeding concerning this information that this individual has provided to me & which will be related in this Affidavit. I believe this witness to be truthful because the witness voluntarily provided this information & agreed to testify. This witness told me that they spoke to other witnesses who told them that Seaberry made up a story to tell anyone that would ask about the shooting.

7.) That within a couple of hours of this shooting, a red Blazer (Chev.) was recovered in the area of First & Coral St. Lancaster, Pa. That this vehicle was positively identified as the vehicle used in the shooting of the victim.

8.) That on 2/17/99 Det. Kiss spoke to another witness who has been identified to me by both name & address & who has agreed to testify in any Court proceeding concerning information that this individual has provided to me & which will be related to in this Affidavit. I believe this witness to be truthful because the witness voluntarily provided this information & agreed to testify. This witness told Det. Kiss that he has first hand knowledge of conversation between the actor, & Seaberry, when the actor told Seaberry to kill the victim Kirkland Hardy for stealing their guns, drugs and counterfeit money. Also that this witness has first hand knowledge of conversation between the actor and Seaberry, after the homicide, of Seaberry telling the actor that the murder was carried out.

I, DETECTIVE THOMAS A. KISS, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Det. Thomas A. Kiss  
(Signature of Affiant)

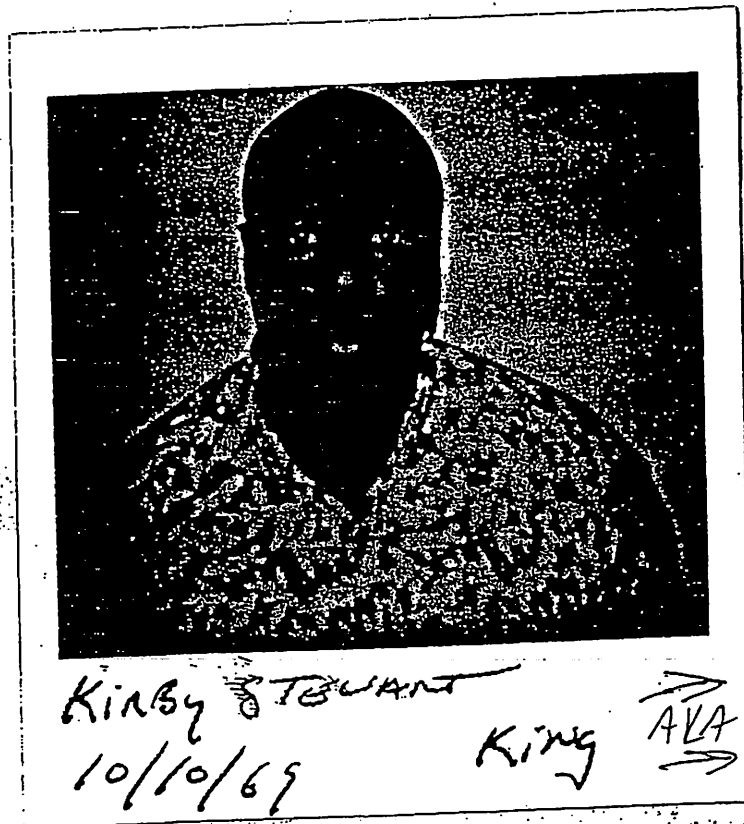
Sworn to me and subscribed before me this 18 day of Feb, 19 99.

7/18/99 Date Andrea L. Kuf District Justice

My commission expires first Monday of January, 2000.

SEAL





## CHAPTER 25 CRIMINAL HOMICIDE

- Section  
2501. Criminal homicide.  
2502. Murder.  
2503. Voluntary manslaughter.  
2504. Involuntary manslaughter.  
2505. Causing or aiding suicide.  
2506. Drug delivery resulting in death.

### § 2501. Criminal homicide

(a) Offense defined.—A person is guilty of criminal homicide if he intentionally, knowingly, recklessly or negligently causes the death of another human being.

(b) Classification.—Criminal homicide shall be classified as murder, voluntary manslaughter, or involuntary manslaughter.

1972, Dec. 6, P.L. 1482, No. 334, § 1, effective June 6, 1973.

### § 2502. Murder

(a) Murder of the first degree.—A criminal homicide constitutes murder of the first degree when it is committed by an intentional killing.

(b) Murder of the second degree.—A criminal homicide constitutes murder of the second degree when it is committed while defendant was engaged as a principal or an accomplice in the perpetration of a felony.

(c) Murder of the third degree.—All other kinds of murder shall be murder of the third degree. Murder of the third degree is a felony of the first degree.

(d) Definitions.—As used in this section the following words and phrases shall have the meanings given to them in this subsection:

"Fireman." Includes any employee or member of a municipal fire department or volunteer fire company.

"Hijacking." Any unlawful or unauthorized seizure or exercise of control, by force or violence or threat of force or violence.

"Intentional killing." Killing by means of poison, or by lying in wait, or by any other kind of willful, deliberate and premeditated killing.

"Perpetration of a felony." The act of the defendant in engaging in or being an accomplice in the commission of, or an attempt to commit, or flight after committing, or attempting to commit robbery,

rape, or deviate sexual intercourse by force or threat of force, arson, burglary or kidnapping.

"Principal." A person who is the actor or perpetrator of the crime.

1972, Dec. 6, P.L. 1482, No. 334, § 1, effective June 6, 1973. Amended 1974, March 26, P.L. 213, No. 46, § 1, imd. effective; 1978, April 28, P.L. 84, No. 39, § 1, effective in 60 days.

### § 2503. Voluntary manslaughter

(a) General rule.—A person who kills an individual without lawful justification commits voluntary manslaughter if at the time of the killing he is acting under a sudden and intense passion resulting from serious provocation by:

(1) the individual killed; or

(2) another whom the actor endeavors to kill but he negligently or accidentally causes the death of the individual killed.

(b) Unreasonable belief killing justifiable.—A person who intentionally or knowingly kills an individual commits voluntary manslaughter if at the time of the killing he believes the circumstances to be such that, if they existed, would justify the killing under Chapter 5 of this title, but his belief is unreasonable.

(c) Grading.—Voluntary manslaughter is a felony of the first degree.

1972, Dec. 6, P.L. 1482, No. 334, § 1, effective June 6, 1973. Amended 1995, Nov. 17, P.L. 1144, No. 36 (Sess. No. 1), § 1, effective in 60 days.

### § 2504. Involuntary manslaughter

(a) General rule.—A person is guilty of involuntary manslaughter when as a direct result of doing of an unlawful act in a reckless or grossly negligent manner, or the doing of a lawful act in a reckless or grossly negligent manner, he causes the death of another person.

(b) Grading.—Involuntary manslaughter is a misdemeanor of the first degree. Where the victim is under 12 years of age and is in the care, custody or control of the person who caused the death, involuntary manslaughter is a felony of the second degree.

1972, Dec. 6, P.L. 1482, No. 334, § 1, effective June 6, 1973; Amended 1995, July 6, P.L. 251, No. 31, § 1, effective in 60 days.



33

COMMONWEALTH OF PENNSYLVANIA



CONSTITUTIONAL OATH OF OFFICE

COMMONWEALTH OF PENNSYLVANIA )

) SS:

County of Lancaster )

I Certify This Document To Be  
Recorded in Lancaster Co. Pa.

STEVE McDONALD  
Recorder of Deeds



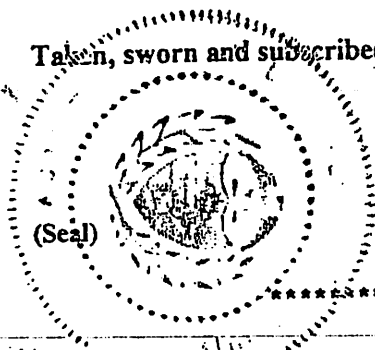
I do solemnly swear (or affirm) that I will support, obey and defend the constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity.

Joseph C. Madenspacher  
SIGNATURE OF OFFICER

Joseph C. Madenspacher  
NAME OF OFFICER

Judge - Court of Common Pleas  
OFFICER TITLE

Taken, sworn and subscribed before me this 3RD day of JANUARY A.D. 2000.



Michael A. Georgelis  
Signature of Person Administering Oath

RECORDED OR FILED  
00 JAN -5 AM 8:56  
RECORDER OF DEEDS  
LANCASTER, PA.

NOTE: The foregoing oath shall be administered by some person authorized to administer oaths.

The oaths of STATE OFFICERS, JUSTICES OF THE SUPREME COURT and JUDGES OF THE SUPERIOR AND COMMONWEALTH COURTS shall be filed in the office of the Secretary of the Commonwealth.

The oaths of other judicial and county officers shall be filed with the Prothonotary of the county in which the oath is taken.

DSCB-70

00 JAN -5 AM 10:16

ENTERED AND FILED

6503 0006

COMMONWEALTH OF PENNSYLVANIA



CONSTITUTIONAL OATH OF OFFICE

PROthonotary Office  
LANCASTER, PA

02 JAN -6, PM 2:31

ENTERED AND FILED

COMMONWEALTH OF PENNSYLVANIA )

) SS: TB51-83A

County of Lancaster )

I do solemnly swear (or affirm) that I will support, obey and defend the constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity.

Lawrence F. Stengel  
SIGNATURE OF OFFICER

Lawrence F. Stengel  
NAME OF OFFICER

Judge  
OFFICER TITLE

Taken, sworn and subscribed before me this 4th day of January A.D. 2002.

Michael A. George, P.J.  
Signature of Person Administering Oath

(Seal)

NOTE: The foregoing oath shall be administered by some person authorized to administer oaths.

The oaths of STATE OFFICERS, JUSTICES OF THE SUPREME COURT and JUDGES OF THE SUPERIOR AND COMMONWEALTH COURTS shall be filed in the office of the Secretary of the Commonwealth.

The oaths of other judicial and county officers shall be filed with the Prothonotary of the county in which the oath is taken.

COMMONWEALTH OF PENNSYLVANIA



CONSTITUTIONAL OATH OF OFFICE

08 JAN -7 PM 9:45  
PROTHONOTARY  
LANCASTER PA

COMMONWEALTH OF PENNSYLVANIA )

) .SS:

County of Lancaster )

I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity.

*Donald R. Totaro*  
SIGNATURE OF OFFICER

Donald R. Totaro  
NAME OF OFFICER

Judge of the Court of Common Pleas  
OFFICER TITLE

Taken, sworn and subscribed before me this 4th day of January A.D. 20 08.

*[Signature]*  
Signature of Person Administering Oath

(Séal)

\*\*\*\*\*

NOTE: The foregoing oath shall be administered by some person authorized to administer oaths.

The oaths of STATE OFFICERS, JUSTICES OF THE SUPREME COURT and JUDGES OF THE SUPERIOR AND COMMONWEALTH COURTS shall be filed in the office of the Secretary of the Commonwealth.

The oaths of other judicial and county officers shall be filed with the Prothonotary of the county in which the oath is taken.

COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF OPEN RECORDS

Kevin Williams

Appeal No. AP 2014-0854

v.

Lancaster County, Pennsylvania

AFFIDAVIT OF DANETTE BURKHOLDER

I, Danette Burkholder, of full age, being duly sworn according to law, hereby depose and state as follows:

1. I am the Chief Deputy Clerk of Courts for Lancaster County, Pennsylvania.
2. The Lancaster County Clerk of Courts Office is responsible for maintaining the criminal filings for the Court of Common Pleas of the County of Lancaster.
3. In my capacity as Chief Deputy Clerk of Courts, I am responsible for providing responsive criminal docket documents pursuant to Right to Know Requests as directed by the Lancaster County Office of Open Records.
4. On May 19, 2014, I was made aware of a request made by Kevin Williams, requesting a document titled "Notice of Aggravating Circumstances" related to Lancaster County Docket Number 4395-1999.
5. On May 19, 2014, the Lancaster County Office of Open Records requested that the respective criminal filings associated with Lancaster County Docket Number 4395-1999 be searched for said document.
6. In response, I searched the files related to Lancaster County Docket Number 4395-1999 maintained by the Lancaster County Clerk of Courts Office and found that no such record exists.

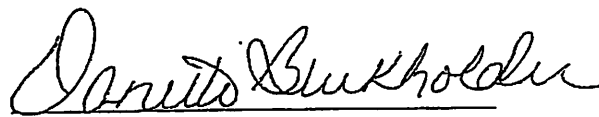
7. On May 20, 2014, I confirmed with the Lancaster County Office of Open Records that after said search, no such record was found.

8. The County of Lancaster does not have a responsive record to Appellant's request.

9. The County is not required to create a record which currently does not exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize.

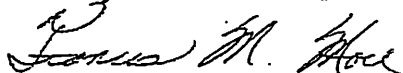
10. I represent that the information contained in the foregoing Affidavit is true and accurate as related to the best of my information, knowledge and belief.

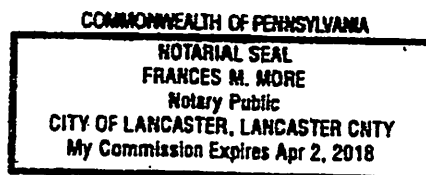
Dated: 6/4/14

  
Danette Burkholder  
Deputy Clerk of Courts  
Lancaster County, Pennsylvania

Sworn to and subscribed before  
me this 4<sup>th</sup> day of June, 2014

Notary Public  
My commission expires:





COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF OPEN RECORDS

Kevin Williams :  
 :  
 : Appeal No. AP 2014-0972  
 v. :  
 :  
 :  
 Lancaster County, Pennsylvania :

**AFFIDAVIT OF LORI C. GROFF**

I, Lori C. Groff, of full age, being duly sworn according to law, hereby depose and state as follows:

1. I am the Chief Deputy Prothonotary for the Prothonotary's Office for Lancaster County, Pennsylvania.

2. The Lancaster County Prothonotary's Office is responsible for maintaining the civil filings as well as other miscellaneous filings, including Oaths of Offices, for the County of Lancaster.

3. In my capacity as Chief Deputy Prothonotary, I am responsible for providing responsive civil and other miscellaneous record documents maintained in the Prothonotary's Office pursuant to Right to Know Requests as directed by the Lancaster County Office of Open Records.

4. On June 5, 2014, I was made aware of a request made by Kevin Williams, requesting "Oaths of Office for Judge Lawrence F. Stengel and ADA Christopher Hackman during the years 1999-2000."

5. On June 5, 2014, the Lancaster County Office of Open Records requested that the respective civil filings be searched for said documents.

6. In response, I searched the files currently physically located and maintained in the Lancaster County Prothonotary's Office and found that no such records exist.

7. On June 5, 2014, I confirmed with the Lancaster County Office of Open Records that after said search, no such records were found and that the records being sought may have been archived and currently maintained by the Lancaster County Archives Division.

8. The County of Lancaster Prothonotary's Office does not have in its office the responsive records to Appellant's request.

9. The County is not required to create a record which currently does not exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize.

10. I represent that the information contained in the foregoing Affidavit is true and accurate as related to the best of my information, knowledge and belief.

Dated: \_\_\_\_\_

7/1/14

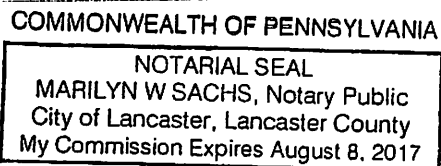


Lori C. Groff  
Chief Deputy Prothonotary  
Lancaster County, Pennsylvania

Sworn to and subscribed before  
me this 1<sup>st</sup> day of July, 2014



Notary Public  
My commission expires:



From: Mr. Kevin Williams,  
aka-Kirby Stewart. No#.EF-1167  
c/o.SCI-Forest, P.O.Box 945  
Marienville, Pa 16239

Re: Governor's Pardon,

To: Governor Tom Wolf  
508 Main Capital Building  
Harrisburg, Pa 17120

November 10, 2016

Dear Sir;

I'm writing to you because I'm currently incarcerated within the State of Pennsylvania. For a crime that I did not commit, I was tied to this case through circumstantial evidence/guilty by association. I was extradited from the State of New York, on a fraudulent fugitive warrant/governor's warrant. The Lancaster Co. Police Detective Thomas A. Kiss, told District Attorney Joseph C. Madenspacher, that the crime happened and I was not present. When the crime happened.

Sir, D.A. Madenspacher, went to magistrate and/or district judge, and sworn under the oath of the Commonwealth that I committed this crime and fled. And D.A. Madenspacher, furthered this fabrication by going to then Governor Thomas J. Ridge, telling him or someone in his office, under oath again "that I was the the person who committed this crime and fled the jurisdiction of the Commonwealth to avoid being arrested. In the above process the Commonwealth violated the Uniform Criminal Extradition Act, 42 Pa. C.S.A. §9123, 9127.,

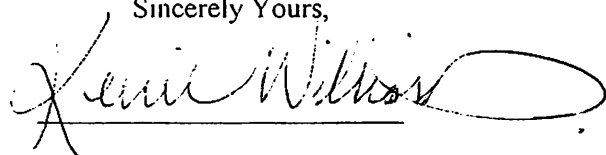
The governor's warrant was deficient because the application for **Requisition** contained inaccurate information. The warrant was in herently flawed because the requisition papers incorrectly stated that "I was physically present in Pennsylvania when the alleged offence was committed, and that I fled to the State of New York." As a result, the arrest, extradition, and trial, should have never took place. Because the facts of the governor's warrant is misleading, the information forced the then Governor Thomas J. Ridge, to believe that he had an obligation to file a properly-worded application for requisition.

The application incorrectly provided that "I was a fugitive from the justice of Pennsylvania and has taken refuge in the State of New York." See-Application for Requisition 5/5/1999. Also, I also like for you to view Commonwealth v. Kevin Livengood, 901 A.2d 556 (Pa. Super. 2006). And I'm enclosing exhibits for your viewing, See-governor's requisition, also-the notes of testimony from the Supreme Court, in Brooklyn, New York; also-the judge, d.a., and a.d.a, had no oath's of office at the time period of my case. Also-bill of information, DC-300B, and I was found guilty of a charge that was never mentioned in this case.

Sir, the reasons I'm writing to you is because I've wrote to President Bill Clinton, Gorge W. Bush, Barack H. Obama; all of those people told me to write to you, so I'm writing to you asking for a **Governor's Pardon**, I'm not from the State of Pennsylvania, and if it takes me to leave the State of Pennsylvania, to get a Governor's Pardon. Then so be it; please feel free to contact me at your earliest convenience. Thanking you in advance for your kind assistance in this matter.

CC:

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Kevin Williams", with a large, sweeping loop at the end.



From: Mr. Kevin Williams,  
aka-Kirby Stewart. No#.EF-1167  
c/o.SCI-Forest, P.O.Box 945  
Marienville, Pa 16239

July 13, 2017

Re: Fraudulent Extradition.

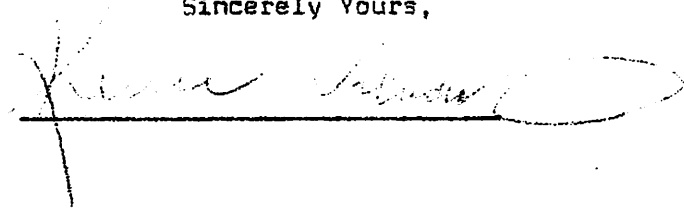
To: Gov. Andrew Cuomo  
Governor's Office State of New York  
Executive Chamber  
Albany, NY 12224

Dear Sir;

I'm writing to you to ask some very serious questions, I ask that you observe "documents" that I am providing that said people was not officials of the court. At the time of their request for extradition; which the authority was not delegated for them to request extradition. And that you write "all" of the people in question them about the extradition under their authority; and that they provide me with a copy of all response; so that you can determine whether my extradition was lawful under their authority as officials of the Commonwealth of Pennsylvania. And if not; I ask that you either "revoke" the approval of extradition or inform me as to what I can do and/or whom I can bring this matter to his/her attention. My information in court, (Kevin Williams. Indictment No.99K018533) the (Hon. Martin Schneier) ruled on the extradition. In the (Kings County, Supreme Court) 360 Adams Street. Brooklyn, NY 11201; if you look carefully at all of the paperwork that I am providing to you, you'll see what the Commonwealth State of Pennsylvania, did to me was illegal. I sending you a copy of letters that I've received from your office, a copy of Madenspacher, Stengel, Totaro, and A.D.A. Hackman, is a judge right now and still does not have an "oath of office," also a letter I wrote to Judge Schneier, he never wrote me back. Please feel free to contact me at your earliest convenience. Thanking you in advance for your kind assistance in this matter.

CC:

Sincerely Yours,

A handwritten signature in dark ink, appearing to read 'Kevin Williams', is written over a horizontal line. The signature is stylized with a large, sweeping initial 'K'.

From: Mr. Kevin Williams,  
aka-Kirby Stewart. No#. EF-1167  
c/o.SCI-Forest, P.O.Box 945  
Marienville, Pa 16239

May 22nd, 2017

Re: Extradition Fraud,

To: Hon. Martin Schneier. Judge,  
360 Adams Street  
Brooklyn, NY 11201

Dear Sir;

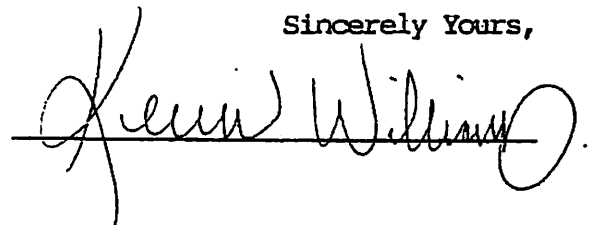
I'm writing to you, just as I sent you a certified copy of my petition to the Third Circuit Court of Appeals. As it stands, the 3rd Cir Ct of Appeals denied, my petition; it was a 3-panel of judge(s), their denial was based off off of me not making a prima facie showing that my claims relied on "a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Ct, that was previously unavailable." 28 U.S.C. §2244(b)(2)(A). In particular, Alleyne v. United States, 133 S.ct. 2151 (2013), does not apply retroactively on collateral review, see United States v. Reyes, 755 F.3d 210, 212 (3rd Cir.), cert. denied 135 S.ct. 695 (2014); United States v. Winkelman, 746 F.3d 134, 136 (3rd Cir. 2014).

As you can see that I've appealed this false/circumstantial evidence, conviction to so many courts that I've literally lost count. In all of the courts I've been denied at every level; to be frank I'm tired. I've lost my 13- years of marriage when I became a widower during trial, my kids are estranged from me I've lost "everything" so I'm prepared to die in my quest to live life at liberty... Sir, I hope that you've come to realize that your decision to turn me over to these barbaric people who change the law every time it does not fit their agenda's. The state court's are not going to do anything to rectify this "miscarriage of justice." Being that you were Duped into complicity by these people to help Kidnap me. So I need your help, by affidavit or declaration, as to what was told to you and its delivery to you on how "I allegedly killed someone in the State of Pennsylvania, and allegedly fled back to New York State". This is a real nightmare!!! I have a natural life sentence for a crime I did not commit, only in America...

I'm preparing to file a "Petition for Review" to the United States Senate because they're the people who make these laws. I'm so tired of dealing with people who interpret the law without integrity or ethics; so are you willing to help me, Right this wrong?, if you're willing to help me file a petition in the Southern District of New York's District Ct, lodging a civil and/or criminal case against the State of Pennsylvania. Because such an action would compel the State of Pennsylvania to "answer/respond" to the complaint against them. Please feel free to contact me at your earliest convenience. Thanking you in advance for your kind assistance in this matter.

CC: Samuel Karliner. Esq.,  
26 Court Street. 16th. Fl  
Brooklyn, NY 11242

Sincerely Yours,





STATE OF NEW YORK  
EXECUTIVE CHAMBER  
ALBANY 12224

June 17, 2011

Mr. Kevin Williams  
aka Kirby Stewart, #355-034  
Muskegon Correctional Facility  
2400 South Sheridan Drive  
Muskegon, Michigan 49442-6298

Dear Mr. Williams:

The Executive Chamber acknowledges receipt of your FOIL request dated March 9, 2011, seeking:

"Fugitive warrant signed by Governor Pataki."

We are performing a diligent search for the records you request. We will notify you of our progress within 20 business days.

If any documents are located that respond to your request, you will be charged \$.25 per page. If the response to your request will be provided in another media, we will notify you of any charges.

Very truly yours,

A handwritten signature in black ink that reads "Amy C. Karp".

Amy C. Karp  
Assistant Counsel to the Governor  
Records Access Officer



STATE OF NEW YORK  
EXECUTIVE CHAMBER  
ALBANY 12224

July 18, 2011

Mr. Kevin Williams  
aka Kirby Stewart, #355-034  
Muskegon Correctional Facility  
2400 South Sheridan Drive  
Muskegon, Michigan 49442-6298

Dear Mr. Williams:

This letter responds to your correspondence dated March 9, 2011, which, pursuant to FOIL, requested:

“Fugitive warrant signed by Governor Pataki.”

Please be advised that the New York State Executive Chamber has conducted a diligent search and does not possess records that respond to your request.

Pursuant to Public Officers Law § 89(4), you have thirty (30) days to take a written appeal of this determination. You may make an appeal by writing: FOIL Appeals Officer, Executive Chamber, State of New York, Albany, NY, 12224.

Very truly yours,

A handwritten signature in black ink that reads 'Amy C. Karp'. The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Amy C. Karp  
Assistant Counsel to the Governor  
Records Access Officer



## Integrated Offender Case Management System

8/1/2017 7:44:24 AM

## Monthly Account Statement

From Date: 07/01/2017

To Date: 07/31/2017

Housing	Case ID	Offender Name	Location	
G-B-2037-01	EF1167	STEWART,KIRBY	Forest	
Batch#	Txn Date	Txn Description	Txn Amount(\$)	Balance After Transaction(\$)
FRS-041136	07/03/2017	32 - Commissary (FRS COMMISSARY FOR 07/03/2017)	-35.31	33.57
FRS-041138	07/03/2017	37 - Postage (First Class Mail)	-2.80	30.77
FRS-041146	07/05/2017	13 - Personal Gifts (STOKES , RACQUEL)	+60.00	90.77
FRS-041146	07/05/2017	39 - Federal Filing Fees (1-15-cv-00975)	-12.00	78.77
FRS-041175	07/06/2017	46 - ACT 100 Interstate Fees (PA)	-25.00	53.77
FRS-041219	07/10/2017	32 - Commissary (FRS COMMISSARY FOR 07/10/2017)	-34.22	19.55
FRS-041258	07/13/2017	10 - Maintenance Payroll (GRP 2 - 7th -6th)	+20.16	39.71
FRS-041258	07/13/2017	39 - Federal Filing Fees (1-15-cv-00975)	-4.03	35.68
FRS-041290	07/14/2017	37 - Postage (Postage)	-0.21	35.47
FRS-041313	07/17/2017	32 - Commissary (FRS COMMISSARY FOR 07/17/2017)	-0.84	34.63
FRS-041386	07/23/2017	13 - Personal Gifts (STOKES , RACQUEL)	+70.00	104.63
FRS-041386	07/23/2017	39 - Federal Filing Fees (1-15-cv-00975)	-14.00	90.63
FRS-041406	07/24/2017	32 - Commissary (FRS COMMISSARY FOR 07/24/2017)	-34.08	56.55
FRS-041479	07/27/2017	34 - Cable	-17.00	39.55
FRS-041513	07/31/2017	32 - Commissary (FRS COMMISSARY FOR 07/31/2017)	-37.98	1.57
Current, Escrow, & Available Balances are as of 8/1/2017 7:44:24 AM				
Current Balance		1.57		
Escrow Balance		0.00		
Available Balance		1.57		